United Nations S/2005/69

Security Council

Distr.: General
7 February 2005

Original: English

Small arms

Report of the Secretary-General

Summary

The present report reflects initiatives undertaken to implement my recommendations on ways and means in which the Security Council could contribute to dealing with the question of illicit trade in small arms and light weapons in situations under its consideration. Much progress has been achieved in some key areas, such as the efforts to enhance cooperation to enable States to trace illicit small arms and light weapons, the systematic establishment of monitoring mechanisms to support the implementation of sanctions and the adoption of more vigorous measures against violations of arms embargoes. However, as is underscored in this report, more needs to be done in a number of areas, particularly with regard to interaction between the Security Council and the General Assembly on the issue of small arms and light weapons, support for the Small Arms Advisory Service and support for the reintegration of former combatants into their communities.

05-22143 (E) 090205

I. Introduction

1. The present report is submitted pursuant to the statement by the President of the Security Council of 19 January 2004 (S/PRST/2004/1), requesting me to update the Council on the further implementation of the recommendations contained in my report on small arms of 20 September 2002 (S/2002/1053). The 12 core recommendations contained in that report were compiled pursuant to the presidential statement of 31 August 2001 (S/PRST/2001/21), by which the Council requested me to make specific recommendations on ways and means in which the Security Council could contribute to dealing with the question of the illicit trade in small arms and light weapons in situations under its consideration, taking into account the views of Member States, recent experiences in the field and the contents of that statement.

2. The present report has been prepared in cooperation with the relevant United Nations programmes and agencies, and the International Criminal Police Organization (Interpol).

II. Action taken on the 12 core recommendations

Recommendation 1

The Security Council may wish to call upon Member States to support efforts aimed at developing an international instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons.

3. In the statement by its president of 19 January 2004 (S/PRST/2004/1), the Security Council welcomed General Assembly resolution 58/241 of 23 December 2003, in which the Assembly decided to establish an open-ended working group to negotiate an international instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons.

4. The Open-ended Working Group on Tracing Illicit Small Arms and Light Weapons held its organizational session in New York on 3 and 4 February 2004 and decided to hold three substantive sessions in New York, from 14 to 25 June 2004; from 24 January to 4 February 2005; and from 6 to 17 June 2005. Anton Thalmann (Switzerland) was elected Chairman of the Group.

5. At the first substantive session, participants engaged in a general debate, held a general exchange of views on the nature and scope of the future international instrument on tracing and heard presentations by international and regional organizations. Most of the session was devoted to thematic discussions on the three key elements of tracing, namely, marking, record-keeping and international cooperation. The report of the United Nations Group of Governmental Experts on Tracing Illicit Small Arms and Light Weapons (A/58/138) and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/255, annex) served as reference documents for the discussions. At the conclusion of that session, it was agreed that the Chairman of the Open-ended Working Group would produce the first draft of the instrument and circulate it to all Member States before the second session. On 20 October 2004, the Chairman of the Open-ended Working

Group held informal consultations to hear the views of States on a written questionnaire which he had previously circulated on elements of the draft.

6. The General Assembly, in its resolution 59/86, welcomed the convening of the first substantive session of the Open-ended Working Group, encouraged the continued active participation of delegations in the remaining sessions, and stressed the importance of making every effort to ensure that a positive outcome would be achieved.

Recommendation 2

Member States should be called upon to use as required, and to provide technical and financial support to, the Interpol Weapons and Explosives Tracking System.

7. During the period under review, the United States of America donated $125,000 to Interpol to enhance the Interpol Weapons and Explosives Tracking System (IWETS) while the Royal Canadian Mounted Police, on behalf of the Canadian Government, donated a sum of Can$ 300,000 to enable the continuation of the project.

8. Meanwhile, the Interpol General Secretariat is addressing technical, user-access and legal issues related to the implementation of IWETS. It has also indicated that its financial and technical needs would be determined upon successful resolution of those issues.

9. On 6 September 2004, the Chairman of the Open-ended Working Group met with the Executive Director of Police Services of Interpol, at the Interpol Headquarters in Lyon, to discuss issues related to a possible role for Interpol in the framework of an international instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons, including the possibility of using IWETS for that purpose. Should Interpol be requested to play such a role, a special agreement, in addition to the existing cooperation agreement between the United Nations and Interpol, might be required to address the relevant legal and technical issues.

Recommendation 3

Member States that are in a position to assist the Secretariat in establishing the small arms advisory service, on the basis of extrabudgetary resources, should be encouraged to do so.

10. Both the General Assembly and the Security Council have recognized the important role that the United Nations Coordinating Action on Small Arms mechanism could play in assisting Member States with the implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects[1] and have noted the proposal of the Secretariat to create a small arms advisory service to support this mechanism. The Department for Disarmament Affairs has sought assistance from Member States for the creation of the small arms advisory service; however, no such assistance has yet been received.

Recommendation 4

The Council may wish to consider means by which its interaction with the General Assembly on issues relating to small arms might be enhanced, so as to promote the further development of long-term strategies to halt the scourge of the illicit proliferation of small arms within the framework of international efforts aimed at conflict prevention and peacebuilding, and in the context of the Programme of Action adopted at the July 2001 United Nations conference on small arms.

11. In the statement by its President of 19 January 2004 (S/PRST/2004/1), the Security Council welcomed all efforts undertaken by Member States and called upon them to fully implement at the national, regional and international levels the recommendations contained in the Programme of Action adopted by the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, held in New York from 9 to 20 July 1994.[1]

12. The Monitoring Group related to the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities stated in its second report (see S/2003/1070) that combating weapons smuggling must definitely be an active part of the fight against terrorism and must be done by helping and encouraging all States to adopt the measures incorporated in the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. The Monitoring Group also reported that the replies by States on the ways in which their arms-brokering systems could prevent Osama bin Laden, Al-Qaida, the Taliban and others from obtaining items under the arms embargo bore witness to the lack of uniform regulation on arms brokering. The Monitoring Group suggested that joint efforts in the regulation of arms brokering would significantly strengthen the effectiveness of the arms embargo.

13. The General Assembly, in its resolution 59/86, requested me to continue to hold broad-based consultations, within available financial resources, with all Member States and interested regional and subregional organizations on further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons, with a view to establishing, after the 2006 review conference and no later than 2007, and after the conclusion of the work of the Open-ended Working Group, a group of governmental experts, appointed by me on the basis of equitable geographical representation, to consider further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons.

Recommendation 5

Member States should be called upon to enforce all Council resolutions on sanctions, including those imposing arms embargoes, in accordance with the Charter of the United Nations, and to bring their own national legislation into compliance with the Council's measures on sanctions. The Council may also wish to call upon all Member States to continue to make available to the appropriate United Nations bodies all pertinent information on any alleged violations of arms embargoes and to take appropriate measures to investigate such allegations.

14. The Monitoring Group referred to above noted in its second report (see S/2003/1070) that the arms embargo was the least transparent of the measures in the sanctions regime against Al-Qaida, the Taliban and associated individuals and entities and that it appeared to be the hardest to implement as the possession, manufacturing and sale of arms by States are generally seen as matters of national security. According to the report, information submitted by States highlighted three different aspects of the enforcement of the arms embargo, namely, the legal measures to criminalize breaches of the arms embargo; various safeguards to prevent nationally produced weapons and ammunition from being diverted; and formulation of a normative framework to guide decisions regarding arms transfers.

15. By its resolution 1519 (2003), the Security Council encouraged all State signatories to the Nairobi Declaration on the Problem of the Proliferation of Illicit Small Arms and Light Weapons to implement quickly the measures required by the Coordinated Agenda for Action as an important means to support the enforcement of the arms embargo on Somalia. By the same resolution the Council called on the States neighbouring Somalia to report quarterly to the Committee established pursuant to resolution 751 (1992) on their efforts to implement the arms embargo, bearing in mind their crucial role in the implementation of the embargo, and encouraged Member States from the region to continue their efforts in enacting legislation or regulations, necessary to ensure the effective implementation of the arms embargo.

16. By its resolution 1521 (2003), the Security Council called upon States, relevant international organizations and others in a position to do so to offer assistance to the National Transitional Government of Liberia with the implementation of the Economic Community of West African States (ECOWAS) moratorium on the importation, exportation and manufacture of small arms and light weapons in West Africa (S/1998/1194, annex). The Council further called on the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia to seek from all States, particularly those in the subregion, information about actions taken by them to implement effectively, inter alia, the arms embargo. Subsequently, in its June 2004 report (S/2004/396, annex), the Panel of Experts on Liberia recommended that ECOWAS States adopt and sign a convention to replace the ECOWAS Moratorium and that an international mechanism be set up, in cooperation with ECOWAS member States, to harmonize and verify all end-user certificates submitted for arms imports.

17. By its resolution 1526 (2004), the Council requested all States that had not yet done so to submit to the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities the updated reports called for under paragraph 6 of resolution 1455 (2003) and to explain in writing their reasons for non-reporting. Subsequently, in May 2004 the Al-Qaida and Taliban sanctions Committee, in accordance with paragraph 23 of resolution 1526 (2004), circulated a list of non-reporting States and an analytical summary of the reasons put forward by States for non-reporting (see S/2004/349).

18. In the statement by its President of 19 January 2004 (S/PRST/2004/1), the Security Council reiterated its call on all Member States to effectively implement arms embargoes and other mandatory measures imposed by the Council and urged Member States in a position to do so to provide assistance to interested States in

strengthening their capacity to fulfil their obligations in this regard. The Council also encouraged Member States to provide the sanctions committees with available information on alleged violations of arms embargoes and to give due consideration to the recommendations of the related reports.

19. In its resolution 1533 (2004) concerning the Democratic Republic of the Congo, the Council requested all States, in particular those in the region, to report to the Security Council Committee established pursuant to resolution 1533 (2004) on the actions they had taken to implement the arms embargo.

20. In the statement by its President of 25 March 2004 (S/PRST/2004/7), the Security Council urged all States, in particular those in West Africa and those with a capacity to export arms, to ensure that arms embargoes were fully implemented in the subregion. The Council further expressed its intention to pay close attention and to remain in consultation with ECOWAS and Member States on steps to stop the illicit flow of arms to conflict zones in the region.

21. Subsequently, in its report of 2 July 2004 (S/2004/525), the Security Council mission to West Africa stressed the importance of enhancing efforts by individual countries and regional leaders to curb the proliferation of small arms. The Mission welcomed the intention of ECOWAS to strengthen its moratorium on the importation, exportation and manufacture of small arms and light weapons in West Africa (S/1998/1194, annex) and to replace it with a mandatory convention.

22. In its resolution 1572 (2004) of 15 November 2004 concerning Côte d'Ivoire, the Council requested all States concerned, in particular those in the region, to report to the Security Council Committee established pursuant to that resolution on the actions they had taken to implement, inter alia, the arms embargo.

Recommendation 6

The Council is strongly encouraged to continue its efforts aimed at identifying the links between the illicit trade in small arms and light weapons and the illicit exploitation of natural and other resources, as well as the trade in illegal drugs, and to develop innovative strategies to address this phenomenon. In this connection, careful consideration should be given to the findings and recommendations of the bodies established to investigate such links, including the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo, the Panel of Experts on Liberia and the Monitoring Mechanism on Sanctions against UNITA.

23. In its resolution 1521 (2003), the Security Council urged the National Transitional Government of Liberia to ensure that its revenues from the Liberian timber industry not be used to fuel conflict or otherwise in violation of the Council's resolutions, and expressed its readiness to lift its prohibition on the import of any round logs or timber products originating in Liberia if this goal was achieved. To ensure the implementation of this and other provisions of resolution 1521 (2003), the Council requested the Secretary-General to establish a Panel of Experts that would conduct a follow-up assessment mission to Liberia and neighbouring States; assess the progress made towards the goals described in paragraphs 5, 7 and 11 of resolution 1521 (2003); and report to the Council no later than 30 May 2004 with observations and recommendations. The Council asked the Panel of Experts to include in its reports information on the various sources of financing, such as from natural resources, for the illicit arms trade. In its reports issued in June 2004

(S/2004/396, annex) and September 2004 (S/2004/752, annex), the Panel of Experts made specific recommendations on actions to be taken by the National Transitional Government of Liberia to ensure that its revenues from the Liberian timber industry would not be used to fuel conflict or otherwise in violation of the Council's resolutions.

24. With regard to the situation in the Democratic Republic of the Congo, the Security Council, in its resolution 1533 (2004), reiterated its condemnation of the continuing illegal exploitation of natural resources in that country, which contributed to the perpetuation of the conflict, and reaffirmed the importance of bringing an end to those illegal activities, including by applying the necessary pressure on the armed groups, traffickers and all other actors involved. In the same resolution, the Council urged all States, especially those in the region, to take appropriate steps to end the illegal exploitation of natural resources in the Democratic Republic of the Congo, including through judicial means where possible.

25. In its report of 11 August 2004 (S/2004/604, enclosure), the Monitoring Group on Somalia pointed out that the khat trade provided a source of revenue for the warlords who owned airstrips and charged landing fees. The Group recommended that the activities of khat traders be closely monitored to discourage them from providing funds or arms to the factions engaged in the Somali conflict. The Group also pointed out that several Somali warlords were said to be involved in smuggling hashish from an Asian country into Kenya and the United Republic of Tanzania on Somali vessels and small boats. The Monitoring Group further stated that there had been information of marihuana plantations in the Juba Valley region of Somalia.

26. The mandate of the Monitoring Mechanism on Sanctions against UNITA expired on 19 December 2002.

Recommendation 7

The Council is encouraged to call upon relevant parties to conflicts under its consideration to recognize the importance of activities related to disarmament, demobilization and reintegration in post-conflict situations, and of including such measures in the text of negotiated agreements. The Council is also urged to include in the mandate of peacekeeping operations clear provisions regarding the disarmament, demobilization and reintegration of former combatants, as well as specific measures for the collection and disposal of illicit and/or surplus small arms and light weapons.

27. In the statement by its President of 19 January 2004 (S/PRST/2004/1), the Security Council reiterated the importance of carrying out disarmament, demobilization and reintegration programmes, an increasingly essential component of peacekeeping mandates, as comprehensively and effectively as possible in post-conflict situations under its consideration.

28. In the statement by its President of 25 March 2004 (S/PRST/2004/7), the Security Council stressed the importance of regional approaches to the preparation and implementation of disarmament, demobilization and reintegration programmes. To this end, it invited the United Nations missions in West Africa, the Governments concerned, the appropriate financial institutions, international development agencies and donor countries to work together to harmonize individual country programmes within an overarching regional strategy to design community development

programmes to be implemented alongside disarmament, demobilization and reintegration programmes, and to pay special attention to the specific needs of children in armed conflict. The Security Council mission that visited West Africa in June 2004 also called for the development of a regional disarmament, demobilization and reintegration process (see S/2004/525, para. 54).

29. In an effort to harmonize disarmament, demobilization and reintegration programmes, two meetings were held in Dakar in May and August 2004 with the participation of the Office of the Special Representative of the Secretary-General for West Africa, United Nations Office for West Africa, the United Nations Mission in Sierra Leone, United Nations Operation in Côte d'Ivoire, the United Nations Mission in Liberia, the United Nations Peace-building Support Office in Guinea-Bissau and other United Nations partners. The second meeting also involved national commissions on disarmament, demobilization and reintegration from Côte d'Ivoire, Guinea-Bissau and Sierra Leone. The meetings produced a set of policy recommendations and practical guidelines on regional and cross-border disarmament, demobilization and reintegration in West Africa.

30. Also, in the past year, the Security Council has addressed on several occasions the issue of cross-border activities in Burundi, Côte d'Ivoire, the Democratic Republic of the Congo, Liberia and Sierra Leone in relation to the disarmament, demobilization and reintegration of former combatants. The new and revised mandates approved during this period included functions such as monitoring the illicit flow of small arms and light weapons, supporting repatriation and resettlement of foreign combatants, inter-mission and inter-country coordination and observance of the presence of foreign military forces in key areas of volatility. In this area, the Council also addressed the importance of prevention of cross-border movements of combatants across the borders of the countries in which peacekeeping operations are operated.

31. At the conclusion of the International Conference on Peace, Security, Democracy and Development in the Great Lakes Region, held in Dar es Salaam on 19 and 20 November 2004, the Heads of State and Government participating in the Conference adopted a Declaration in which they committed themselves, inter alia, to promote common policies aimed at putting an end to the proliferation of illicit small arms and light weapons and to harmonize and ensure the implementation of existing agreements and mechanisms in this domain; to adopt and implement, in an effective and sustainable way, national disarmament, demobilization and reintegration programmes and, where applicable, ensure regional coordination for the repatriation and resettlement components of such programmes. The participating countries intend to transform the principles contained in the Declaration into concrete programmes of action.

32. At United Nations Headquarters, since April 2004, the inter-agency working group on disarmament, demobilization and reintegration has developed the first draft of a set of policies, guidelines and procedures for the planning, implementation and monitoring of disarmament, demobilization and reintegration programmes in a peacekeeping context. The aim of this joint endeavour is to develop the required policy and operational tools to enable staff in the field to plan and implement effective and efficient disarmament, demobilization and reintegration programmes. This effort began with the Department of Peacekeeping Operations, the Department for Disarmament Affairs, the United Nations Development Programme, the Office

of the United Nations High Commissioner for Refugees, the United Nations Children's Fund (UNICEF), the United Nations Development Fund for Women and the United Nations Population Fund. At the United Nations inter-agency workshop entitled "Towards a United Nations approach to disarmament, demobilization and reintegration in a peacekeeping environment", held in Geneva from 28 to 30 October 2004, 70 technical experts from 15 United Nations departments, funds, agencies and programmes, five Member States, five non-governmental organizations and the World Bank reviewed the first set of draft guidelines.

33. Since my last report, the Security Council has considered the issue of disarmament, demobilization and reintegration operations in Afghanistan, Burundi, Côte d'Ivoire, Democratic Republic of the Congo, Haiti, Liberia and Sierra Leone. While calling upon relevant parties to conflicts to recognize the importance of activities related to disarmament, demobilization and reintegration in post-conflict situations, the Security Council also addressed other elements related to the success of disarmament, demobilization and reintegration, such as security sector reform, prevention of the recruitment of child soldiers, public information campaigns, the issue of dependants of disarmed combatants, the monitoring of armed movements and groups, the presence of foreign military forces and weapons control. The Council also included provisions regarding the disarmament, demobilization and reintegration of former combatants in both new and revised mandates of peacekeeping operations. These provisions touched upon political, security, economic and social factors, including the collection and disposal of weapons and attention to the specific needs of women and children and the receiving communities.

Afghanistan

34. The Security Council, in its resolution 1536 (2004), welcomed the progress made since the commencement of the disarmament, demobilization and reintegration process in October 2003 and stressed that efforts on the part of the Afghan authorities and all Afghan parties, supported by the international community, to achieve further progress were critical. In its resolution 1563 (2004), the Security Council also stressed the importance of the comprehensive disarmament, demobilization and reintegration of all armed factions, and of security sector reform, including the reconstitution of the new Afghan National Army and Police. A specific child demobilization and reintegration programme, supported by UNICEF and nine local committees, has resulted in the demobilization of 3,821 child soldiers; and over 4,500 underage soldiers and war-affected children have benefited from the reintegration assistance as of August 2004.

Burundi

35. In its resolution 1545 (2004), establishing the United Nations Operation in Burundi (ONUB), the Security Council, taking note of the progress achieved in preparing the disarmament, demobilization and reintegration programme for the combatants, authorized ONUB to carry out the disarmament and demobilization portions of the national programme of disarmament, demobilization and reintegration of combatants and encouraged the international financial institutions and donors to support the programme. This process contributed to the

demobilization of approximately 2,200 children from the national armed forces, the Gardiens de la paix community-based militia and CNDD-FDD (Jean Bosco Ndayikengurukiye), through the National Structure for the Demobilization and Reintegration of Child Soldiers.

Côte d'Ivoire

36. By its resolution 1528 (2004), establishing the United Nations Operation in Côte d'Ivoire (UNOCI), the Security Council, taking note with satisfaction of the recent progress, in particular the return of the Forces nouvelles to the Government, the agreement reached on the implementation of the programme of disarmament, demobilization and reintegration as well as the talks between the President of the Republic of Côte d'Ivoire and the Forces nouvelles, authorized UNOCI to help the Government of National Reconciliation implement the national programme for disarmament, demobilization and reintegration of the combatants, with special attention to the specific needs of women and children. The Council also authorized UNOCI to coordinate closely with the United Nations missions in Sierra Leone and Liberia in the implementation of a voluntary repatriation and resettlement programme for foreign ex-combatants, with special attention to the specific needs of women and children, in support of the efforts of the Government of National Reconciliation and in cooperation with the Governments concerned, relevant international financial institutions, international development organizations and donor countries.

37. As stated in my report of 9 December 2004 (S/2004/962), the National Commission for Disarmament, Demobilization and Reintegration has indicated that 30,000 ex-combatants would participate in the disarmament, demobilization and reintegration programme. They would include 26,000 Forces nouvelles elements, of whom 3,000 are children, and 4,000 personnel from the national armed forces who were recruited since the crisis began in September 2002. The number of participants from the militias and paramilitary groups has yet to be determined. The National Commission, with the active assistance of UNOCI, the United Nations Development Programme (UNDP) and other United Nations agencies, has established a planning committee which has produced the necessary plans for implementation of the disarmament, demobilization and reintegration programme to proceed.

38. At the same time, the programme continues to face severe financial difficulties. Disbursements from the World Bank, which is a major contributor to the programme, were blocked after Côte d'Ivoire stopped the payment of its loan arrears to the Bank in April 2004. In addition, having failed to meet a deadline on 1 November 2004 for resumption of payment of its arrears to the Bank, Côte d'Ivoire became, in the World Bank's terms, a "country in non-accrual", which may make it more difficult for the Bank to release funds for the disarmament, demobilization and reintegration programme in the future. Nevertheless, the National Commission for Disarmament, Demobilization and Reintegration has reportedly secured funds to commence the process in the eastern region, primarily through a contribution of €1 million provided by France to UNDP to cover the safety net package for the former combatants.

Democratic Republic of the Congo

39. In its resolution 1533 (2004), the Security Council authorized the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) to seize or collect, as appropriate, arms and any related materiel whose presence in the territory of the Democratic Republic of the Congo violated the measures imposed by paragraph 20 of its resolution 1493 (2003), and to dispose of such arms and related materiel as appropriate. By its resolution 1565 (2004), the Council also mandated MONUC to facilitate the demobilization and voluntary repatriation of foreign combatants and their dependants as well as to contribute to the successful completion of the national programme of disarmament, demobilization and reintegration of Congolese combatants and their dependants. Since October 2003, more than 1,000 children have been released from armed forces and groups.

Haiti

40. In its resolution 1542 (2004), establishing the United Nations Stabilization Mission in Haiti (MINUSTAH), the Security Council mandated MINUSTAH, inter alia, to assist the Transitional Government, particularly the Haitian National Police, with comprehensive and sustainable disarmament, demobilization and reintegration programmes for all armed groups, including women and children associated with such groups, as well as weapons control and public security measures.

41. Accordingly, as indicated in my interim report of 30 August 2004 (S/2004/698), the Transitional Government, with the support of the international community, has prepared an interim cooperation framework document under which it has committed itself to the creation of a mixed inter-ministerial commission on disarmament and the adoption of the required legal framework, which would represent an important first step towards the development of a national disarmament, demobilization and reintegration programme and set the framework within which MINUSTAH and UNDP, among others, can start to provide technical assistance.

Liberia

42. The Security Council, in its resolution 1561 (2004), noted the substantial progress made in the disarmament phase of the programme of disarmament, demobilization, rehabilitation and reintegration of ex-combatants. As indicated in my report of 17 December 2004 (S/2004/972), the disarmament and demobilization exercise officially ended on 31 October, as unanimously agreed upon by the National Commission for Disarmament, Demobilization, Rehabilitation and Reintegration. As at 1 December 2004, a total of 101,449 combatants had been disarmed and demobilized since December 2003. These figures include 22,313 women, 8,547 boys and 2,477 girls. By the same date, 27,892 weapons had been collected and over 23,500 had been destroyed and more weapons were being destroyed daily at force headquarters of the United Nations Mission in Liberia (UNMIL). Some 33,000 pieces of heavy munitions and unexploded ordnance, as well as 7 million rounds of small arms ammunition, had been collected and destroyed. UNMIL had continued to make payments of the second tranche of the transitional safety allowance to demobilized combatants. During the same period, 76,185 combatants had received their full allowance in 11 locations throughout the country.

Sierra Leone

43. In Sierra Leone, the disarmament, demobilization and reintegration programme was officially completed on 31 March 2004. It is estimated that some 46,500 ex-combatants were disarmed. Acknowledging that not all weapons were collected during the programme, the Sierra Leone police, in coordination with the United Nations Mission in Sierra Leone (UNAMSIL), continue a community arms collection and development programme. Meanwhile, UNAMSIL has continued to work closely with UNMIL regarding the Sierra Leone ex-combatants who have been disarmed and demobilized in Liberia. In this connection, UNAMSIL, UNDP, the Government of Sierra Leone and other stakeholders are preparing for the effective reintegration of those ex-combatants, who will eventually be repatriated to Sierra Leone.

Sudan

44. In its resolution 1556 (2004), the Security Council demanded that the Government of Sudan fulfil its commitments to disarm the Janjaweed militias and apprehend and bring to justice Janjaweed leaders and their associates. In its resolution 1564 (2004), the Council demanded that the Government of the Sudan submit to the African Union Mission for verification documentation, particularly the names of Janjaweed militiamen disarmed.

Recommendation 8

The Council is further encouraged to consider strengthening the financing of disarmament, demobilization and reintegration programmes through the expansion of measures covered under the budget for peacekeeping operations, thus ensuring that such activities are not entirely dependent upon voluntary contributions from Member States.

45. Disarmament, demobilization and reintegration programmes require a broad range of activities from the collection of small arms to the provision of vocational training or microenterprise grants to ex-combatants as part of wider recovery strategies. However, the separate funding structures for the disarmament and demobilization phases and the reintegration phase often creates a serious gap which could jeopardize not only the disarmament, demobilization and reintegration operation itself, but the entire peace process.

46. Although the Security Council, in its resolution 1521 (2003) on Liberia, reiterated its call on the international donor community to provide assistance for the implementation of a programme of disarmament, demobilization, reintegration and repatriation, and sustained international assistance to the peace process, and to contribute generously to consolidated humanitarian appeals, its efforts to finance disarmament, demobilization and reintegration programmes through the expansion of measures covered under the budget for peacekeeping operations need to be strengthened. Financing of programmes to help former combatants to establish their livelihood immediately after the disarmament and demobilization phases is particularly important.

Recommendation 9

The Council should encourage States that have not already done so to establish the necessary legislative or other measures, including the use of authenticated end-user certificates, to ensure effective control over the export and transit of small arms and light weapons.

47. In the statement by its President of 19 January 2004 (S/PRST/2004/1), the Security Council reaffirmed the inherent right of individual or collective self-defence in accordance with Article 51 of the Charter of the United Nations and, subject to the Charter, the right of each State to import, produce and retain small arms and light weapons for its self-defence and security needs and encouraged the arms-exporting countries to exercise the highest degree of responsibility in small arms and light weapons transactions. It also encouraged international and regional cooperation in the consideration of the origin and transfers of small arms and light weapons in order to prevent their diversion to terrorist groups, in particular, Al-Qaida. The Council stated that the obligation of Member States to enforce the arms embargo should be coupled with enhanced international and regional cooperation concerning arms exports.

48. The Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities recirculated, on 19 February 2004, its guidance to States on the format of reports to be submitted to the Committee on all steps taken to implement the sanction measures including, in particular, the arms embargo. Such steps would include export control, arms and arms brokers licensing systems and measures to criminalize arms embargo violations.

49. Furthermore, in the statement by its President of 25 March 2004 (S/PRST/2004/7), the Security Council invited the States members of ECOWAS to take all necessary steps to better combat illegal trafficking in small arms and light weapons in West Africa, such as the establishment of a regional register of small arms and light weapons. The Council further called on donor countries to help the ECOWAS member States implement those steps. The Council also recognized the need to address both the supply and demand side with regard to private companies illegally selling small arms or security services and invited the Governments concerned to take appropriate steps to prevent such illegal sales. In addition, the Security Council encouraged ECOWAS to publicly identify parties and actors who were shown to engage in illicit trafficking of small arms in the subregion and use mercenaries, and expressed its intention to consider adopting such practice in relation to the conflicts in West Africa.

50. The United Nations Office for West Africa (UNOWA) has worked closely with ECOWAS and other partners in the region in the formulation of a matrix specifying lead actors and actions to be taken in furtherance of the recommendations on practical ways of combating cross-border problems in West Africa, contained in the Secretary-General's report of 12 March 2004 (S/2004/200) and in the statement by the President of the Security Council of 25 March 2004. In addition, a newly established ECOWAS-UNOWA working group has developed a detailed programme of cooperation for 2004-2005, including several activities within the framework of the new small arms programme of ECOWAS and the UNDP Programme for Coordination and Assistance for Security and Development.

51. The Security Council mission to West Africa called on countries from which arms are exported to West Africa to review more scrupulously the issuance of end-user certificates and to take action against those transgressing national laws or United Nations sanctions in this respect. The Mission further requested the Secretary-General to present recommendations on what action the Security Council might take to help reduce the proliferation of small arms in the subregion (see S/2004/525).

Recommendation 10

The Council is called upon to pursue more vigorously and expeditiously the use of arms embargoes, under Article 41 of the Charter of the United Nations, to countries or regions threatened by, engaged in or emerging from armed conflict, and to promote their effective implementation. The Council is also called upon to give particular attention to the restriction of the supply of ammunition suitable for weapons already extensively available in such countries and regions.

52. Embargoes on arms and related materiel are currently in place concerning Somalia, Liberia, Rwanda, Sierra Leone, Al-Qaida and the Taliban, Iraq, the Democratic Republic of the Congo, Côte d'Ivoire and all non-governmental entities and individuals in Darfur, Sudan, including the Janjaweed. The implementation of all the arms embargoes, except for the one relating to Darfur, is overseen by sanctions committees in accordance with relevant Security Council resolutions. In addition, four of these committees are assisted in their oversight functions by monitoring mechanisms (see recommendation 11). The resolutions establishing arms embargoes concerning Rwanda (1011 (1995)), Sierra Leone (1171 (1998)), Al-Qaida and the Taliban (1331 (2001)), Liberia (1521 (2003)) and Darfur (1556 (2004)) make explicit reference to ammunition.

Recommendation 11

The Council may wish to consider coercive measures against Member States that deliberately violate arms embargoes declared in respect of specific conflict areas. In this regard, the Council is encouraged to establish monitoring mechanisms, under each relevant Council resolution, to oversee their rigorous and comprehensive enforcement.

53. The Monitoring Group on Somalia, the Panel of Experts on Liberia, the Analytical Support and Sanctions Monitoring Team on Al-Qaida and the Taliban and the Group of Experts on the Democratic Republic of the Congo have all been established or renewed in 2004. These monitoring mechanisms assist the respective sanctions committees with monitoring and assessing the implementation of sanctions, as well as with providing technical advice. In addition, in its resolution 1572 (2004) on Côte d'Ivoire, the Security Council expressed its determination to consider without delay further steps to ensure the effective monitoring and implementation of the measures imposed by that resolution, in particular the establishment of a panel of experts. In its resolutions 1493 (2003), 1533 (2004) and 1565 (2004), the Security Council also mandated MONUC to monitor the arms embargo concerning the Democratic Republic of the Congo and to seize or collect the arms and any related materiel whose presence in the territory of the Democratic

Republic of the Congo violated the arms embargo imposed by paragraph 20 of resolution 1493 (2003).

54. In its resolution 1519 (2003), the Security Council requested the Monitoring Group on Somalia to provide the sanctions committee with a draft list of those who continue to violate the arms embargo inside and outside Somalia, and their active supporters, for possible future measures by the Council. In its resolution 1558 (2004), the Security Council requested the Monitoring Group to continue refining and updating information on the draft list and to present it to the Committee as and when the Committee deemed appropriate.

55. In its resolution 1533 (2004), the Security Council requested the Group of Experts on the Democratic Republic of the Congo to provide the sanctions committee with a list, with supporting evidence, of those found to have violated the arms embargo and those found to have supported them in such activities.

56. In its resolution 1572 (2004) concerning Côte d'Ivoire, the Security Council decided to impose, beginning 15 December 2004, travel restrictions and an assets freeze affecting, inter alia, individuals determined by the sanctions committee to be in violation of the arms embargo.

Recommendation 12

Member States should be called upon to enhance transparency in armaments, including through universal and consistent participation in the United Nations Register of Conventional Arms and the United Nations standardized instrument for reporting military expenditures, and to take other confidence-building measures in defence and security matters.

57. In an effort to encourage Member States to effectively respond to this recommendation, the Department for Disarmament Affairs has been undertaking a number of activities aimed at enhancing the awareness of Member States of the United Nations Register of Conventional Arms and the United Nations System for the Standardized Reporting of Military Expenditures, and to encourage greater participation in these global arms transparency instruments. In February 2004, the Department presented the 2003 report of the group of governmental experts on the Register (A/58/274) to the plenary session of the Forum for Security Cooperation of the Organization for Security and Cooperation in Europe (OSCE), held at the OSCE Headquarters in Vienna. A similar presentation was made in March 2004, to the plenary session of the Committee on Hemispheric Security of the Organization of American States (OAS) at the OAS Headquarters in Washington, D.C.

58. The Department organized or co-organized several workshops with the financial support of Member States. On 26 April 2004, on the occasion of a regional workshop in Buenos Aires, the Department made a presentation on the status of small arms and light weapons within the reporting framework of the Register. A subregional workshop was also organized in Nairobi in May 2004 to discuss in detail the operation and procedures of the Register, as well as the work of the Group of Governmental Experts, including issues of transfer of small arms and light weapons. From 26 to 29 July 2004, the United Nations Regional Centre for Peace and Disarmament in Africa organized a regional workshop on arms transparency in Bamako, where the Department made presentations on the operation and procedures of the Register and the status of small arms and light weapons within the framework

of the Register. The Register and the reporting of military expenditures were discussed at a subregional workshop covering the States members of the Pacific Islands Forum, which took place in Fiji in August 2004.

59. In January 2004, the Department published a booklet, with the assistance of the United Kingdom of Great Britain and Northern Ireland, highlighting the salient features of the 2003 report of the group of governmental experts on the Register. In October 2004, the Department issued an updated version of the publication entitled "Information Booklet 2004" containing instructions on the operation and procedures of the Register as well as other documents on the subject. Both publications are available on the web site of the Department for Disarmament Affairs at http://disarmament.un.org:8080/cab/register.html.

60. The response by Member States to the efforts undertaken by the Department for Disarmament Affairs to encourage greater participation in the two United Nations reporting instruments on arms transparency has been encouraging. The average level of participation has risen from 95 in the 1990s to almost 120 over the past four years for the Register of Conventional Arms, while it has grown from fewer than 30 to more than 75 during the same period for the System for the Standardized Reporting of Military Expenditures. A number of Member States joined the reporting mechanisms for the first time, while others showed greater regularity in participation.

61. Nevertheless, universal participation, which is the declared objective of both reporting instruments, has not been achieved yet. This is partly due to the fact that some Member States have not yet participated in either of the two instruments, while others have not been participating on a consistent basis.

62. In its 2003 report (A/58/274), the group of governmental experts on the Register decided to include man-portable air-defence systems in the Register on an exceptional basis. In the statement by its President of 19 January 2004 (S/PRST/2004/1), the Security Council took note of this action.

III. Observations and conclusions

63. I am pleased to note the progress achieved in the implementation of recommendation 1, on tracing illicit small arms and light weapons, in particular the work of the Open-ended Working Group, which, on 24 January 2005, began the negotiations on a draft international instrument for the timely and reliable identification and tracing of illicit small arms and light weapons.

64. With regard to recommendation 2, on the Interpol Weapons and Explosives Tracking System, I am pleased that, during the period under review, another Member State, Canada, has joined the United States in providing funding for the continuation of the project.

65. Regrettably, there is no noticeable change regarding recommendation 3, on the small arms advisory service. The Security Council should call upon Member States to respond more favourably to this recommendation.

66. Regarding recommendation 4, on the interaction between the Security Council and the General Assembly, while no structured interaction has been established between the two organs on the topic of small arms and light weapons, the implementation of the Programme of Action to Prevent, Combat and Eradicate the

Illicit Trade in Small Arms and Light Weapons in All Its Aspects[1] has emerged as a key issue on the agenda of both organs. In order to develop a coherent and comprehensive United Nations policy on small arms and light weapons, I recommend that the Security Council and the General Assembly establish a small committee to look into how the two organs could work together in this area. I am particularly pleased to note the progress being made on the issue of illicit brokering in small arms and light weapons, which has been an area of concern, particularly in connection with activities of terrorist groups.

67. Security Council action has led to significant progress in the implementation of recommendation 5, on the enforcement of Security Council resolutions on sanctions. However, the results will depend on the political will and relevant technical capacity of Member States. More remains to be done on recommendation 6, on the links between illicit small arms and light weapons and the illicit exploitation of natural and other resources.

68. Notwithstanding the remarkable progress registered in the implementation of recommendation 7, on disarmament, demobilization and reintegration in post-conflict situations, it is crucial that the Security Council adopt a comprehensive and regional approach and take appropriate measures to address cross-border activities. In fact, disarmament, demobilization and reintegration operations are more likely to succeed if rigorous measures are in place to curb linkages between illicit trade in natural and other resources, illicit trafficking in small arms and light weapons, cross-border abduction and recruitment and armed conflicts. Moreover, provisions regarding disarmament, demobilization and reintegration should continue to address not only the political and security aspects, but also the social and economic aspects, especially the needs of former combatants, including women and children, and of receiving communities. Meanwhile, much remains to be done with regard to the implementation of recommendation 8, on financing for disarmament, demobilization and reintegration. For instance, the Security Council could consider including in the assessed budget of peacekeeping missions provisions for technical, financial and logistical support for the reintegration phase (or at least the initial stages of reintegration) of former combatants into their communities.

69. Regarding the implementation of recommendation 9, on control over the export and transit of small arms and light weapons, the Security Council continued to encourage States that have not yet done so to establish the necessary legislative or other measures, including the use of authenticated end-user certificates, to ensure effective control over the export and transit of small arms and light weapons.

70. Concerning recommendations 10, on a more vigorous and expeditious use of arms embargoes, and 11, on coercive measures against those who deliberately violate arms embargoes, I am satisfied by the recent practice of establishing, under the relevant Security Council resolutions, mechanisms to support, monitor and assess the implementation of sanctions as well as to provide technical advice to the related sanctions committees. I am also pleased to note a more vigorous effort, on the part of the Council, to adopt measures to identify and punish those who violate arms embargoes or support such violations. In this connection, the measures contained in resolution 1572 (2004), concerning Côte d'Ivoire, are particularly noteworthy.

71. There has been remarkable progress in the efforts to increase participation in the two United Nations reporting instruments on arms transparency. This progress is due largely to the financial support of Member States for activities aimed at increasing awareness and understanding of the instruments. I hope this support will continue, as we strive towards the desired objective of universal participation. Also encouraging is the inclusion of man-portable air-defence systems, on an exceptional basis, in the Register on Conventional Arms as well as growing support for bringing the international transfer of small arms and light weapons within the reporting system of the Register.

Notes

[1] See *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, New York, 9-20 July 2001* (A/CONF.192/15), para. 24.